

FIGHT THE RULER

Ijma On The Kuffr Of The Rulers Who Rule By Other Than What Allah Has Revealed

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A'Tawheed Wal Jihad

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The Stating Of The Ijma On The Kufrr Of The Rulers Who Rule By Other Than What Allah (swt) Has Revealed

Sheikh Abdul Qadir Bin Abdul Aziz

Preface

Concerning the illustration of the first (people) amongst those who belong to Islam to fall into the changing of the Shariah.

Indeed, it has become clear from what has been mentioned about the reason behind the revelation of His saying Ta'ala: **"And whosoever does not judge by what Allah has revealed, such are the Kafirun"** * Al-Madina, verse 44, that the Jews turned away from the ruling of Allah Ta'ala on the stoning of the married person (to death), by inventing another ruling as a substitute for it. This invented ruling became a law which was practiced amongst them.

Of those who belong to Islam the first to ever fall into this were the Tartars, in the end of the seventh hijri century, as Shaikh Ahmed Shakir, may Allah have mercy on him, said: *"Is it permissible in the Shariah of Allah, however, that the Muslims are ruled in their lands by a law which was taken from the laws of the pagan, atheist Europe? - Until he said. Verily, the Muslims were never tribulated by that - as far as we know of their history - except in that period, the era of the Tartars, which was one of the vilest periods of oppression and darkness".* ["Umdat At-Tafseer", Vol 4, p.173]. And it was as he said, indeed. *Quoted from "The Noble Quran" without the addition of (i.e. disbelievers of a lesser degree as they do not act on Allah's law). This is against the Ijma' of scholars as it shall be seen in the future fataawa of Ibn Taymia and Ibn Kathir.

As for the belonging of the Tartars to Islam, this happened after their invasion of Baghdad in 656 hijri, under the leader of Hulakoo, when they were pagans. The first person amongst them to accept Islam was King Ahmed bin Hulakoo in 680 hijri. See the book named "Wathaiq-ul- Hurub-os-Salibiyyah wal Ghazw-il- Maghuli" by Dr.Muhammad Mahir Hamadah, p.8, edition of Muassasator- Risalah, 1986.

In addition their claim of Islam appears in the questions posed concerning them to Sheikh-of-Islam, Ibn Taymia, may Allah have mercy on him. So it was mentioned in one of the questions : *"what do the Fuqaha, the Imams of the religion, say about these Tartars who came over in 699 and did what has been famous as far as killing the Muslims is concerned? - until they said - and despite that they having claimed the adherence to the shahadah and the unlawfulness of fighting against their combatants, because of the origin of Islam which they have alleged to be following".* [Majmua' Al-Fataawa, Vol 28, p.501-502].

It was also mentioned in another question : *"what do the honorable scholars say about these Tartars who have come over to Ash-sham from time to time, pronounced the shahadah, belonged to Islam and did not remain upon the kufr which they had been upon at first".* [Majmua' Al-Fataawa, Vol 28, p.509].

This concerns their belonging to Islam. As for their ruling by what Allah has not revealed while claiming to be Muslims, it was illustrated by the saying of Ibn Taymia in his description of the Tartars in his fataawa regarding them, for he said : *"In judging*

between themselves, they do not abide by Allah's rule. In contrast, they rule by things laid down by them, and which are compatible with Islam sometimes and against it in another". [Majmua' Al-Fataawa, Vol 28, p.505].

Ibn Kathir said : *"And as the royal politics that the Tartars rule by, which were taken from their king, Genghis Khan, who laid down for them Al- Yasiq, which is a book comprising laws which he took from different laws, from Judaism, Christianity, the Islamic religion and others. Also, it contains many laws which he took from his sheer thinking and desire. Thus, it has become in his sons a followed law to which they have been giving precedence over ruling by the book of Allah and the Sunnah of His messenger (SAW). Whoever does this is a Kafir who must be fought until he returns to the rule of Allah and His messenger. So no one other than He should rule neither minorly or majorly". [Tafseer Ibn Kathir, Vol 2, p.67].* Genghis Khan was the grandfather of Hulakoo who invaded Baghdad.

Therefore, this was indeed the first time in that which is known of the history of the Muslims that a people who belonged to Islam ruled by other than the Shariah. So it was one of the calamities for which there was no precedent. However, Ibn Taymia and Ibn Kathir issued Fataawas on it and related the Ijma' on the kufr of the one who does that.

As far as the fataawa of Ibn Taymia is concerned, it is his saying, may Allah have mercy on him, in his Fataawa regarding the Tartars : *"And it is known from the religion (of Islam) by necessity and by the consensus of all Muslims that whoever legalizes to follow other than the religion of Islam or a Sharia other than the Sharia of Muhammad (SAW), he is a Kafir. And his kufr is similar to that of the one who believes in some part of the book (Quran) and reject some of it", as He Ta'ala said: **"Verily, those who disbelieve in Allah and his Messengers and wish to make a distinction between Allah and his Messengers (by believing in Allah and disbelieving in his Messengers) saying, "we believe in some but reject others", and wish to adopt a way in between, they are in truth disbelievers. And we have prepared for the disbelievers a humiliating torment"**. An-Nisa, Verse 150-151. [Majmua' Al-Fataawa, Vol 28, p. 524].*

In addition, in other places in his fataawa, Sheikh-ul-Islam related the Ijama' on the kufr of the one who rules by laws which contain the legalizing of haram and the forbidding of halal, or the abolition of the enjoining and forbidding of the Shariah, and all of these characteristics apply to the present laws. Part of this is his saying, may Allah have mercy on him : *"And whenever a person legalized the haram - that is agreed upon - or forbids the halal - that is agreed upon - , he is a Kafir by the consensus of the Fuqaha". [Majmua' Al Fataawa, Vol 3, p.267.]*

He also said : *"it is known that whoever abolishes the enjoining and forbidding with which Allah sent his messengers, he is a Kafir by the consensus of the Muslims, the Jews and the Christians". [Majmua' Al-Fataawa, Vol 1, p.106.]*

Sheikh-ul-Islam has other sayings which we shall quote in the next issue Insha-Allah Ta'ala.

As for the fataawa of Ibn Kathir wherein he related the Ijma' on the kufr of the one who rules by what Allah has not revealed, it is his saying : *"So whosoever abandons the wise Sharia which was reveled upon Muhammad bin Abdullah, the seal of the prophets, and goes to other abrogated Sharia for judgment, he becomes a Kafir. So how about the one who goes to Al-Yasa for judgment and gives it precedence (over the Sharia of Muhammad (SAW))? Whosoever does this has become a Kafir by the Ijma' of the Muslims. He Ta'ala said : **"Do they then seek the judgment of (the Days of) Ignorance? And who is better in judgment than Allah for a people who have firm faith"**. Al-Maidah, Verse 50.*

He Ta'ala also said : ***"But no, by your Lord, they can have no faith, until they make you (O Muhammad (SAW)) judge in all disputes between them and find in themselves no resistance against your decisions, and accept (them) with full submission"***. An-Nisa, Verse 65. Allah the greatest is all true". ["Al- Bidayah wan-Nihayah". Vol 13, p.119], in the events of 624 hijri in his biography on Genghis Khan. Indeed, it has been aforementioned - in the "Criticism of Ar-Risalah Allimanniyah" in the end of the research on belief - that the Ijma' is an evidence, and that when it is proven Sahih as far as narration is concerned, while no - one (amongst the scholars) is known to have opposed it, it is a compulsory evidence. Also, it is not permissible to abrogate it or change it. See "Irshad-ul-Fuhal" by Ash- Shawban, p.67 and Shash-ut-Talwah" by At-Taffazani, Vol 2, p.61.

Therefore, the Ijma' on the kufr of the one who rules by what Allah has not revealed - which was related by Ibn Taymia and Ibn Kathir - is a compulsory evidence for us and an independent evidence upon which we rely in the fataawa concerning the kufr of the rulers who are judging by the man - made laws. Moreover, the Ijma' on this issue only happened in the era of Ibn Taymia (728 hijri) and Ibn Kathir (774 hijri), because this issue occurred in their time and never before then, as far as history is concerned. Similar to this was the issue of the creation of the Quran, which occurred in the time of Ahmed bin Hanbal, then the Ijma' of Ahl-us- Sunna on its ruling was established (that the Quran is the speech of Allah 4 and is not created, and that whosoever says that it is created is a Kafir). However, the ruling was not related from anyone amongst the Sahabah, because this issue did not happen in their time - thus, no saying was related from any of them about it. This shows you that the fataawas on the new issue are taken from the scholars of their time.

Drawing The Attention To An Important Difference Between The Tartars And Today's Rule

Some of them who argue in the favour of the Tawagheet rulers have claimed that it is irrelevant to apply the fataawas of Ibn Taymia and Ibn Kathir regarding the Tartars to today's rulers, because the Tartars were pagans. But this is wrong, for, indeed, it has become clear to you from that which has been aforementioned that the Tartars embraced Islam, but they kept ruling by other than its Shariah. And these equalities are the very same qualities of today's rulers. Therefore, their verdict is like theirs, and their situation is like theirs.

Additionally, the truth is that today's rulers are greater in kufr and deviance than the Tartars. This is because the Tartars, even though they took over several lands of the Muslims such as Khurasan, Iraq and As-sham sometimes, some times they did not impose on these lands to rule by their man - made law (Al-Yasiq). On the contrary, they ruled by it between themselves, while the judgment between the Muslims remained in accordance with the Shariah rulings. As for today's rulers, they have imposed on the Muslims to rule by these Kafir laws.

As for that which illustrates that ruling by Al-Yasiq remained restricted to the Tartars and did not exceed them to all Muslims, it is proven by the saying of Ibn Taymia regarding them (In judging between themselves, they do not abide by Allah's rule) Majmua' Al-Fataawa, Vol 25, p.505. It is also in the saying of Ibn Kathir (And as the royal politics that the Tartars rule by, which were taken from their king, Genghis Khan, who laid down for them Al-Yasiq-until his saying - "Thus, it has become within his sons a followed law"). Tafseer Ibn Kathir, Vol 2, p.67.

Thus the saying of Ibn Taymia (In judgment between them) and the saying of Ibn Kathir (Thus, it has become in his sons), show that ruling by Al-Yasiq was for the Tartars people only, and that they did not impose it on the Muslims in the lands which they colonised. Indeed, Sheikh Ahmed Shakir pointed this difference out by saying (Have you seen this strong description by Al-Hafidh Ibn Kathir - in the eight century - about that man - made law, which was fabricated by the enemy of Islam, Genghis Khan? Do you not see that it describes the situation of the Muslims at present, in the fourteenth century? Except for one difference that we pointed out before, which was that it was within a particular group of rulers, who were destroyed so quickly. Then they were mingled within the Islamic ummah, and the effect of that which they did was removed. Then the Muslims are now in a worse situation and severer 5 oppression and darkness than them. This is because most of the Islamic ummah are now about to be mingled within the laws which are opposed to the Shariah, and which are similar to that "Yasiq". [Umdat At-Tafseer, Vol 4, p.173-174].

Concerning the fact that the rule between the Muslims remained in accordance with the rulings of Islam in the lands which were invaded by the Tartars, it is proven by the letter sent by the sovereign of the Tartars, Qajan (or Ghazan) to his delegate in ruling over the land of Ash-sham, Saifod-Deen Qajbaq. That letter was read over the pulpits of Damascus in 699 hijri, which was the same year wherein Ibn Taymia was asked for a fataawa regarding them as it has been aforementioned. In (this letter) Qazan said : *"the king of the Amirs (governors) Saifod-Deen, must have Taqwa from Allah in his rulings, fear in him in his revoking and sentences, glorify the Sunnah and its ruler and carry out the verdict of every judge according to the saying of his Imam. And let him rely on sitting for justice and fairness and take the sight of the layman from the noble people. Also, let execute the punishment on everyone against who it becomes obligatory, restrain the oppressive hands from everyone who is oppressed"*. Quoted from "Wathaiq-ul Hurub As-Salibiyyah wal Ghazw-il- Maghuli" by Dr. Muhammad Mahir Hamadah, p.403-406, edition of Muassasar-ur-Risalah, 1986

Moreover, concerning the description of the situations of those lands after the Tartars colonization of them, Siddiq Hasan Khan said : *"As for the country over which there are Kafir rulers it is permissible in it, also, to establish Jumua and Eid (prayers), and the judge is making the decisions with the consent of the Muslims. For indeed, it was confirmed that the ruling remains (valid) as long as some of its causes remains. Indeed, we have decided, without dispute, that these lands were part of the lands of Islam before the Tartars colonization. And after their colonization, the adhan, Jumua (prayer), Jama'ah (prayers) and ruling according to the Shariah were declared, and the fataawa was spreading without being denied by their kings"*. "Al-Ibrah Mimma Jaa'a fil Ghazwi wa Ash- Shahadati wal Hijra". By Sddiq Khan, p.232. Edition of Al-Kutub-el-Ilmiyyah, 1405 hijri.

In conclusion, ruling according to the Shariah in the lands of the Muslims which the Tartars invaded is confirmed historically. And this is part of which shows to you that today's rulers, who are imposing the laws of kufr on the Muslims, are greater in kufr and deviance than the Tartars, and that the cause, because of which the fataawa regarding the kufr of the Tartars was issued, is applicable on the present (rulers) more strongly.

This research was taken from a book entitled "Al-Jamit Fi Talab-el- Ilm-esh-Sharif", by Abdul-Qadir bin Abdul Aziz, Vol 2, p.880-882, the second edition, Dhul Hijjah 1415 hijr

Ruling by Other Than What Allah Has Revealed

Shaykh Abu Baseer at-Tartousi

What are those actions if the leader falls into makes him an apostate? and what is the description of those actions of which he conducts which does not make him a disbeliever?

Ruling other than by what Allah (swt) revealed is that of two types, Kuffr Akbar and Kuffr Asghar, one which takes you outside the fold of Islam and one which does not. The attributes and actions which a leader can commit and he still within the fold of Islam are as follows;

He is a Muslim leader who judges and rules according to the Shariah, but in one specific case or issue he does not rule by what Allah (swt) reveals, i.e. for personal benefit, this is Kuffr Asghar, at the same time when he commits this Kuffr Asghar he admits he is in mistake, examples of this are many, a person who in charge of the company, or favours one son over the other, this is Kuffr Asghar. In this situation all the hadeeth which talk about *Kuffr Doona Kuffr* apply to this person in the Kuffr Asghar which does not take you outside the fold of Islam. So obviously when we come across the many times Ahlul-Ilm state *Kuffr Doona Kuffr* it applies in this context and this will be clarified later Inshallah.

Ibn Qayyum said: Ruling other by what Allah (swt) revealed is of two types, Kuffr Akbar and Kuffr Asghar, if for example a leader has a choice between judging by Islam and other wise and he tends towards not ruling by Shariah, but admits mistake afterwards, this is Kuffr Asghar which does not take you outside the fold of Islam.

So in general terms he applies Islam but in one specific instance he believes in his heart what he done was an error and he should have ruled by what Allah (swt) revealed, and all of the meanings we discussed are encompassed in this statement of Ibn Qayyum.

Abu Izz al Hanafi who wrote the famous Sharh of Tahawiyyah, When a leader commits Kuffr it can be one of two types, it can be one that takes you outside the fold of Islam or Kuffr which is only disobedience to Allah (swt) and he remains a Muslim. The first description he gave is if he believes what he is doing is accordance to the Shariah.

If we put the statement of Ibn Abbas (ra) into historical context we will see the following, when we understand who he was addressing when he said this, we will appreciate the following issues, Ibn Abbas (ra) was living in the time of al Khawaarij who made Khurooj against Ali and Muawiyyah, and one of the errors which occurred at the time of Muawiyyah was the issue of inheritance rule, the Khawaarij said you are not ruling by Islam this is Kuffr, Ibn Abbas (ra) stated this is not the Kuffr which your mind is going to, this is the small Kuffr, so when Ibn Abbas (ra) used this statement and terminology he was applying it in a certain historical context, and obviously he was not speaking about those leaders who where due to come a thousand years later who replace the all Shariah, so this statement we need to pause here and understand it completely because this is what the people of Irjaa use, even unfortunately when you say to people to day that the leaders are more disbelievers then Firawn and all the leaders of Kuffr in history, that is why its extremely important that we clarify this point in extreme detail.

The ayah of al-Maidah was revealed in relation to the Jews and Christians, this is in

Sunnan Abu Dawud, these three verses only apply to the Jews of Banu Quraidah and Bani Nadheer, so when these verses were revealed the meaning of these verses is Kuffr Akbar, so when the Quran says Fasiqoon, Dhalimoon and Kafiroom it will be Akbar in that context we know that the verses are Kuffr Akbar. The Prophet (saw) was not the first person to instigate this statement, the Prophet (saw) said, *the people will start leaving Islam step by step, when one aspect goes there all hold onto Hajj for example, the first aspect or knot of Islam which will be untied then the final one will be the prayer, and when that goes then there is nothing left in the Deen as it is the final thing left.*

The point of mentioning this hadeeth is that the first thing that will leave is the ruling and that is exactly what has happened and this is clarified in another hadeeth, *the first person who will begin to change my Sunnah is a man from Bani Umayyah*, what is the Sunnah that this man will change, so what he changed was the system of *Shuram*, the system of passing on the ruler to inheritance and this was the issue which they were accusing Muawiyah of, this is the context upon which we apply the term *Kuffr Doona Kuffr*, so just to return to the question that we raised previously do the leaders of today belong in this state or not? or have they fallen into that Kuffr which is the major one which has taken them outside the fold of Islam?

What are the attributes of a leader which takes him outside the fold of Islam.

1). - When the ruler does not rule by what Allah (swt) has revealed in anything, he does not implement Islam in any of the aspects of life. If this attribute falls into any leader then he falls into major Kuffr, in that situation the statement of Ibn Abbas (ra) cannot be applied to them.

Allah (swt) says, **Say if you truly follow Allah then follow me**, so a person who does not follow Islam at all his relationship to the Deen of Allah (swt) is virtually none, we would never accept in Islam from him anything, then he says that I love Allah (swt) and his messenger (saw) then we say to him that you are a liar, and this verse testifies that he is a liar.

Ibn Katheer says, this verse establishes that these people are liars and the only way they can come back to Islam if they begin to follow Allah (swt) and his Messenger (saw) in all spheres of life, and obviously there are similar statements from other ulemaa with different wording but same meaning. Allah (swt) says in the Quran, **But no, by the Lord, they can have no (real) Faith, until they make thee judge in all disputes between them, and find in their souls no resistance against Thy decisions, but accept them with the fullest conviction.** Firstly they go to Shariah in all disputes, they do not find any hardship and they submit willingly. A person who does not rule by Islam in anything in his life, completely contradicts this verse.

2). - The Second Attribute of the leader is he does not rule by what Allah reveals in Tawheed, in the Oneness of Allah (swt) and this person is considered to be under Kuffr Akbar.

Shaykh Mohammed Ibn Abdul Wahab said, there is no Ikhtilaaf that Tawheed has to be manifest in your tongue and your actions and if there is anything missing in any of these things then he is not considered believer. If he has Tawheed but he does not manifest it in any of the actions at all then he is a Kaffir just like Iblees and Firawn, it is important that we manifest the Tawheed in the actions.

Shaykh Sulayman Ibn Abdillah al-Shaykh said in Tawheed al-Khalaaf, If a person has Tawheed in his heart but does not manifest it in his tongue or actions, then he has no Imaan at all, then he said that we do not make Takfeer on anyone except that person who does not implement any Tawheed and he does shirk and he supports the people of Shirk over the Muslims.

3). - The Third Attribute is the one who denies to rule by whatever Allah (swt) has revealed and he makes the Halal Haram and makes Haram Halal, there is a difference between someone who commits a sin and someone who justifies that sin, but what have the people of Irjaa done?

The Ulema of Ahlul Irjaa have made an extra category, an extra condition which is they must make Istihlaal (Making Haram into Halal or vice versa), if this is the case you cannot make Takfeer on anyone at all, even Shaytan, Iblees, Firawn, in fact what the text of the Saheeh indicates is that Istihlaal and Juhud (Rejection) can apply in three situations, either in the heart , the or in speech and the as well in action. The Murjiah says all of these three elements have to be present in the person at once, but I say that is not correct, if anyone of them exists it is sufficient and each one by itself can be Kuffr not all three at once as the Murjiah claim.

The clearest evidence of this in the Munaafiq, he does not believe in Islam and in his heart is Kuffr but he openly he declares Islam so we judge him with that Islam, as for the person who believes in his heart but utters Kuffr, this is like the Jews in the Madina, they believed in the heart but never testified with the tongues, in their books there were indications that he was the messenger of Allah but they never accepted that, Allah (swt) says in the Quran about the Jews, **As for those we have given the book, they know that the messenger in the Prophet, the same way the person knows these are his children but despite that they disbelieved in him, and indeed there is a group of them who know the truth but they cover it deliberately.** In another verse Allah (swt) says, **they do not disbelieve in you they believe you are messenger in their heart, but they refuse to accept you.**

In another verse that says, **in their tongues they disbelieve in you but in the heart they know that you are the messenger of Allah (swt).** Just to summarise it is possible you are Kaffir even though you got belief in your heart, kuffr actions and statements by themselves can take you outside the fold of Islam as well as actions being sufficient to indicate Juhud, by looking at the persons actions you know that he disbelieves in the Deen of Allah (swt).

Just to apply these rules in our situation today, there are many countries for homosexuals to get married, permitted by the state, and this is sufficient evidence of Juhood, as for the leader who actually makes legislation other than the legislation of Allah (swt) and those who oppose him in that, he the ruler fights them then this is enough to say that he has made Istihlaal and Juhood, when you come across books of Ulema about Juhud you will find any one of those three pillars (belief, statement and actions) are sufficient for Kuffr.

4). - The Fourth Attribute of the ruler who does not rule by what Allah (swt) has revealed and he has hatred and despises the legislation of Allah (swt), the person who has hatred in even one issue is enough for Kuffr, it does not have to be in everything, in the Quran Allah (swt) says, **as for those disbelieve Allah will lead them astray as they have hatred for what Allah revealed, and all of their actions are invalid**, and I say your actions can only be invalid if you disbelieved. Indeed those who apostated after guidance was given to them, Shaytan is the one who encouraged them to do that, because what did they do that made them apostates.

As for that leader that shows hatred for the Deen of Allah (swt) in one Hukm, in one thing we declare him an apostate, and how many evidences are there when we look at the reality of the leaders that show they are apostates and have hatred in many things. One of the great manifestations of that is they kill and imprison those those that remind them of implementing the Shariah of Allah (swt).

There is no corrupt person expect that he enters those countries except that they are received with open hands, as for those sincere Muslims who call for the oneness of Allah (swt) and want Islam to be implemented they are not able to enter these countries, and if they are permitted they are not received in the same respect that those belly dancers are, and at the same time you have people who say today that the leaders are not kuffar and the reality of the situation proves that they are liars.

5). - The Fifth Attribute is that he makes the law of Allah (swt) equal to man made law or he prefers man made law over the law of Allah (swt) whether in belief or in action. So for example if someone says French law is superior to Islamic law, then this person has committed Kuffr Akbar.

Allah (swt) says in the Quran, **"Nothing is like Him and He is the All-Seeing and the All-Hearing."** What has this verse got to do with this issue? there is nothing like him in himself and his attributes and there is nothing like him in his speech or in Hukm and legislation. We say the Quran is the speech of Allah (swt) and there is nothing like the speech of Allah (swt), and this is the Hukm of Allah (swt) and there is nothing that is equal to the Hukm of Allah (swt) so a person who makes comparison between human law and the law of Allah (swt) is practically denying this verse.

I find it strange that generally people today if you say to them such and such man made creation is just as beautiful as the natural creation of Allah (swt), but when someone says

this ruling system is equal to the ruling system of Allah (swt) people accept that, as it is necessary to reject and become surprised for the first comment is same as the second situation mentioned, in the same way we cannot say that the human creation is better than Allah (swt's) creation. If we look to the constitutions of the Arab governments today do they not write it as if they are superior to the laws of Allah (swt), show me one leader today who is willing to accept that there is a constitution better than his one, will he accept, that one being of Allah (swt), this description applies to them.

Any leader who falls into any one of those five attribute becomes an apostate, obviously its not allowed to give him excuse of Ibn Abbas (ra) *Kuffr Doona Kuffr* for reasons we already mentioned, in fact there are three types of leaders, one who commits Kuffr Asghar and is not Murtad, one who commits Kuffr Akbar and leaves the fold of al-Islam, and there is a third type, a leader who implements Islam and makes Ijtihaad and tries to rule by Shariah but it turns out what he done was not from Islam, he wants to implement Shariah, he has love for Deen of Allah (swt), he tries his best but makes mistakes, we say that person is a just ruler and we are not going to emphasis this too much as its not a point of controversy, and obviously this description does not apply to our leaders today, the purpose of mentioning this was just to clarify that there is a third person but is still considered Muslim, so the problem is not with classification or categorisation with this one, but the point of Ikhtilaaf is what are the attributes of a leader if he commits what that which takes him outside the fold of Islam. Also another important disagreement is how we take these theoretical rules and apply them into reality, also the description of reality of today is another important point of concern, and those people who we disagree with this in these points are three groups of people.

1. They have knowledge of the Fiqh and Ahkaam but they are ignorant of the reality of the leaders today and have made the misinterpretation.
2. They understand the reality of the leaders but they are ignorant concerning the texts relating to ruling other by what Allah (swt) has revealed and therefore have also erred in this matter.
3. The worst group, the majority Khabees, they know the Shariah and they know the reality of the leaders but despite this they refuse to accept the truth, they know that the leaders have fallen into Kuffr from all dimensions and all aspects, and they know the Nusooos (the texts) that apply to them, but despite that they cover the truth to bring victory to the Tawagheet, they support the Tawagheet for some material benefit and this is a big problem especially when they water the clothes of Ulema and act like Shuyookh and they speak in the name of Islam, but are silent for the Haq of Allah (swt).

These are people that need to be exposed and we need to tell the Muslim Ummah how dangerous they are, the first and second groups mentioned, if we perhaps debate and discuss with them, they may come to the truth, but the third group will never come too because they have their financial interests at stake, we finished the first segment of the discourse of the ruler who does not rule by what Allah (swt) has revealed so our dispute with the leaders is not only because they rule by other than what Allah (swt) revealed,

that is not our only dispute, obviously there are other aspects as well that we dispute with them, for example their hatred towards Islam and how they fight it and its people.

The second disagreement is at-Tabdeel, changing the law of Allah (swt), so whoever changes the law of Allah (swt) and substitutes it with man made laws has become a Kaffir according to the agreement of all the scholars, this is why he has given us a separate classification in this situation, he changes the law whereas first he just does not rule by what Allah (swt) has revealed, Allah (swt) says in the Quran, **is it the rules of Jahilliyya you desire**, what is better then the Hukm of Allah for a group of people who have certainty in Allah (swt).

This ayah has been used by Ibn Kathir and Ahmad Shakir to prove that those leaders that change the Shariah are not Muslims. Ibn Kathir says Allah (swt) rejects and is against those people who go against the law of god and substitute it for another religion and Allah (swt) rejects in this verse those people who substitute the law of Allah (swt) and go to another law, it could be personal reason as Ibn Kathir said in relation to this verse the Arabs used to rule according to their tribal and other systems, for example Genghis Khan with the tartars, they came with a new law called al-Yasiq, so the tartars began to follow al-Yasiq which was not only Islamic laws but other laws as well compiled together, so Ibn Kathir said many laws of al-Yasaiq were laws that they had in their own mind and they began to implement them and live according to them and Ibn Kahir said whoever does this needs to be fought until they come back to the Deen of Allah (swt) and it is not allowed for anyone to rule by other then the law of Allah (swt) no matter how big or small those laws.

And Ibn Kathir narrates in Al-Bidayah Wan-Nihayah, *So Whosoever abandons the wise Shariah which was revealed upon Muhammed ibn Abdullah, the seal of the Prophets, and goes to other abrogated Shariah for judgment, he becomes a Kafir. So how about the one who goes to Al-Yasa (man-made law) for judgment and gives it precedence (over the Sharia of Muhammed (saw)). Whosoever does this has become a Kafir by the Ijma of the Muslims.*

Look at the similarity there is between the law of Yasiq and the constitutions that exist in this day and age, they are mixture of some Islamic laws and laws which they have put themselves. Shaykh Ahmad Shakir said in his book Umdatat Tafseer in relation to what Ibn Kathir said, is it allowed to rule according to man made laws and the laws of atheists, laws that people can change as they please and take it out as they please? as for the one who writes this down he does not care about the condition whether is it allowed or not allowed, then Shaykh Ahmad Shakir said the hukm concerning this is not hidden to anyone that there is no doubt at all its clear as the sun in the middle of the day that this is Kuffr Buwahn and there is no excuse for anyone for this.

The Kuffr of changing the law of Allah (swt) is from the evidences we stated previously from Surah Maidah and the Jews in that situation where guilty of changing the laws, Ibn Abbass (ra) as we already said stated that Allah (swt) revealed these three verses for two categories of the Jews, one of these groups had overpowered the other one in the days of

Jahiliyyah and then they came to some kind of pact or agreement that the strong group of Jews if they had killed the weak Jews that they will give them a certain amount of compensation, so if someone from the weak Jewish tribe killed someone from the strong tribe, they would have to pay more compensation than the others would, but they decided amongst themselves, the weaker Jewish group began to complain and ask is this fair, has this ever happened that two tribes of the same type are having this done to them, the weaker group said now that the Prophet (saw) is here we are not going to give you a 100 anymore.

War nearly began between the two groups so they both agreed that the Prophet (saw) would be a just Haakim to arbitrate to. The stronger tribe said we do not think that he will judge in your favour we think we are correct, we accept that the Prophet will give in verdict in your favour so they admitted that they were doing something wrong, the second group knew they were doing incorrect and out of force, so they sent someone to go close to Prophet (saw) and listen what he was saying, if it was in their favour then they will go for arbitration and if it was not then they would not go, the Munaafiq arrived and Jibraeel (as) told them everything and what they were planning, so Allah (swt) revealed this famous verse, those who do not rule by what Allah has revealed are people of Fisq, Ibn Abbas (ra) said regarding this verse I swear by Allah (swt) this is why the verse was revealed concerning this incident.

So look to the crime they had committed, they made Tabdeel, so as we mentioned previously when these verses are recited our mind should go to Kuffr Akbar because look at the circumstances they were revealed under, that is why we say whoever falls into Tabdeel such as this he has fallen into Kuffr Akbar, then what about the leaders of today who make constitutions which replaces the Shariah of Allah (swt) in all spheres, these Jews were not guilty of Istihlaal because they knew what they were doing is wrong, and knowingly changed it, Shaykh Albaani says it is to do with Istihlaal but if you review these hadeeth you will see it has nothing to do with Istihlaal at all, rather their apparent actions which they done.

This is refutation against the Ulema of Irjaa, the substitution of the law itself is Kuffr Akbar even if you know what you were doing is wrong, this is also refutation of another common statement amongst the Murjiah, if he changes the law and attributes the changed law to Allah (swt) then he is Kaffir not if he attributes that changed law to himself, this type of substitution is admitted by themselves.

On The Matter of Fighting the Ruler

Shaikh ul Islam Ibn Taiyimiyyah

Fatawa, 28/524:

" And it is known by necessity from the deen of the Muslims, and the agreement of all the Muslims, that whoever permits the following of a deen other than Islam or following a Shari'ah other than the Shari'ah of Muhammad (SALLAAHU 'alahi wa sallam), then he is a kafir, and it is like the kufr of one who believes in part of the Book and disbelieves in part of the Book, as ALLAAH said (the meaning of which is):

«Indeed those who disbelieve in ALLAAH and HIS Messengers, and wish to distinguish between ALLAAH and HIS Messengers, and say we believe in some and disbelieve in some, and wish to take a way between that, all those are the kafiroon in truth, and WE have prepared for the kafiireen a humiliating punishment. » An-Nisa' 150-151 "

Majmoo' al Fatawa : 28/544-545-546:

"Fighting the Tartars, those who came to the land of Shaam is wajib according to the Book and the Sunnah, for indeed ALLAAH said in the Qur'an (the meaning of which is) :

«And fight them until fitnah is no more, and the deen becomes all for ALLAAH» Al-Anfal:39.

And the deen means obedience, so if some of the deen belongs to ALLAAH and some to other than ALLAAH, fighting becomes wajib, until the deen becomes all for ALLAAH, and thus ALLAAH said (the meaning of which is):

«O You who believe, fear ALLAAH, and leave off what remains of riba (usury) if you are believers; if you do not do so, then take note of war from ALLAAH and HIS Messenger. » Al-Baqarah 278-279.

And this ayah was sent down concerning the people of Taa'if when they entered into Islam, and adhered to salah, siyam, but they refused to leave off riba, so ALLAAH declared that they are warriors against ALLAAH and HIS Messenger.

Then if it was wajib to make jihad against all these warriors against ALLAAH and HIS Messenger, what then of one who leaves many of the laws of Islam or most of them, like the Tartars ? And the 'ulema of the Muslims have agreed that when a refusing faction (Taa'ifah Mumtani'ah) refuses some of the obligations of Islam openly without any doubt, then it is wajib to fight it; if they profess the Shahadatayn and refuse salah, or zakah, or siyam in the month of RamaDaan, or Hajj to the ancient house, or judging between them with the Book and the Sunnah, or prohibiting indecencies, or drinking, or marriage with close relatives (maHaarim), or make lives and wealth permissible without justice or riba (usury) or gambling, or jihad against the kuffaar, or imposing jizyah on the people of the book, and similar to that from the laws of Islam, then they are to be fought for that until the deen becomes all for ALLAAH.

And it is established in the two SaHeeHs when Omar debated with Abu Bakr about those who refused zakah, Abu Bakr said to him: 'How can I not fight one who leaves the rights which ALLAAH and His Messenger have made obligatory, like zakah, even if they have accepted Islam ?' And he said to him: ' Indeed zakah is from its rights; by ALLAAH if they refuse me an inaq (rope for tying a camel) which they used give to the Messenger of ALLAAH (SALLAAHU 'alaihi wa sallam) I will fight them for withholding it. '

Omar said: ' Then there was none other except that I saw ALLAAH had expanded the breast of Abu Bakr to fight, and I knew that it was the truth. '

And it is established in the SaHeeH from more than one source that the Prophet (SALLAAHU 'alaihi wa sallam) mentioned the khawarij, and said about them: 'One of you

would look down at his salah compared to their salah, and his siyam with their siyam, and his recitation with their recitation; they will recite the Qur'an but it will not travel beyond their throats, they will pass through Islam as an arrow passes through the game; wherever you find them, fight them, for indeed in their killing will be a reward from the ALLAAH for whoever kills them, on the day of Judgement. If I were to catch them, I would kill them like the killing of 'Aad. '

And the salaf and Imams are in agreement upon the fighting of all these, and the first of those who fought them was 'Ali bin Abi Taalib (Radi ALLAAHU 'anhu), nor did the Muslims cease fighting them in the early period of the khilafah of Bani Umayyah and Bani 'Abbas, even though with oppressive amirs- Hajjaj and his type were amongst those who fought them- thus all the Imams of the Muslims have ordered fighting them. And the Tartars and those similar to them, are greater in their departure from the Shari'ah of Islam than those who refused zakah, and the khawarij from the people of Taa'if, those who refused to leave off riba.

So whoever doubts in fighting them, then he is the most ignorant of people about the deen of Islam, and whenever it becomes wajib to fight them, fight them, even if they have with them those who have been forced, in accordance with the Muslims. "